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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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**Determination No. 6 – Michigan Telecommunications Act (MTA) Optional
Permits/Fees** **October 24, 2005**

Purpose

Clarify the situation whereby telecommunication providers obtained public right-of-way permits prior to the enactment of the METRO Act; and payment of related fees. Section 5(1) of the METRO Act reads:

“A provider using or seeking to use public rights-of-way in a metropolitan area for its telecommunication facilities shall obtain a permit under Section 15 from the municipality and pay all fees required under this act. Authorizations or permits previously obtained from a municipality under Section 251 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2251, satisfy the permit requirement of this Section.”

Analysis

Some municipalities have requested telecommunication providers that have current authorizations or permits obtained via Section 251 of the Michigan Telecommunications Act (MTA) to obtain new permits per Section 15 of the METRO Act. Further, there is the issue of whether providers must continue to pay any fees associated with these MTA permits.

METRO Authority Determination

- A. Permits – Telecommunication providers that obtained public right-of-way permits under Section 251 of the MTA are not required to obtain permits under Section 15 of the METRO Act until their current MTA permit expires. Upon expiration, the provider must utilize the permit application forms approved by the Michigan Public Service Commission (August 16, 2001) and, if applicable, pay a one-time \$500 application fee pursuant to Section 6(4) of the METRO Act (see Determination 3 – Applicability of One-Time \$500 Application Fee).
- B. Fees – Any annual fee provisions of MTA obtained permits are pre-empted by Section 8 of the METRO Act. Thusly, providers are only required to pay the annual maintenance fee as determined by the METRO Authority.

A decision or assessment of the METRO Authority is subject to a de novo review by the Michigan Public Service Commission upon the request of an interested person pursuant to Section 17 of the METRO Act.